

EDEX

DWC's Electronic Data Exchange system, EDEX, allows approved subscribers and their clients to request and receive, via electronic transmissions, summary data of Workers' Compensation Appeals Board cases. To receive DWC approval, a subscriber must obtain appropriate software as well as an electronic mailbox to send and receive EDEX files. Approved clients must be end users of the information sought. An intended client who is neither a lien claimant nor a party to the case must explain its purposes in seeking such information and sign an acknowledgment of legal constraints. DWC currently charges twenty cents per EDEX transmission.

Further information and a complete application package are available at the DWC website:

<http://www.dir.ca.gov/DWC/edex.html>

EDEX overview

EDEX is a highly innovative electronic commerce program which enables the workers' compensation community to file documents and to access the public records of the WCAB electronic case tracking system.

The DWC databases

The DWC maintains a central database of all WCAB cases. This database includes current and closed workers' compensation cases and all new workers' compensation case openings. All new case activity, including trial scheduling is maintained in the DWC database. The DWC processes all EDEX activity daily. Each subscriber to EDEX must be assigned to a unique user ID or electronic mailbox on the IBM network.

When an EDEX subscriber seeks information to the DWC database, the inquiry is transmitted from its PC via modem to the DWC's mailbox on the IBM network. Each evening the DWC downloads all EDEX transactions from its mailbox and processes against the data requested.

Upon completion of the processing, the requested data is then transmitted to the requesting subscriber mailbox on the IBM network. The case information is then downloaded to the subscribers PC from its mailbox on the IBM network. In addition to the inquiry responses, all notifications of significant case activity, hearing notices and electronic lien filings are processed at the same time in the same manner.

EDEX invoices

Each EDEX transaction sent by a subscriber to DWC will be charged a transaction fee. This fee is a flat rate of 20 cents per transaction. The fee will be assessed on each incoming transaction, whether correct or incorrect. Invoices are issued quarterly.

Interested EDEX subscribers

If you become an EDEX subscriber, an EDEX account provides for the registration of an electronic mailbox to send and receive EDEX files and establishes a billing address where invoices will be directed. The holder of the EDEX account is the "Subscriber". The actual transmissions are done on behalf of a "Client" who may be an outside client or the subscriber itself, if the subscriber has no clients. Each client is assigned a unique client identification number which must be used in every electronic transmission on behalf of that client. Persons who wish to appear as "Representative" of a lien claimant in a WCAB case must have a

representative identification number assigned by DWC; the number will be used in addition to the Client ID number in electronic transmissions filing notices of liens. A brief description of each of the components is outlined below:

EDEX subscriber application

This application is to be used to request electronic access to public records of the WCAB, which are available through the EDEX system, and or to perform electronic filing of notices of lien. The "[EDEX Subscriber Application Request](#)" identifies information regarding the subscriber and the conditions of electronic access. A subscriber signing the document agrees that it will not seek or use information in violation of the state or federal Law. Please read pages one-three of the EDEX subscriber application for more details.

EDEX client list

Each electronic transaction making an inquiry or filing a notice of lien must identify a client identification number. DWC assigns a unique client identification number to each person or entity wishing to utilize EDEX services. If a subscriber does not have clients, but will be making inquiries, or filing notices of liens on its own behalf, it must have its own client ID number in order to use EDEX services. The EDEX client list shall be completed by the subscriber and submitted with the subscriber application. If subscriber wishes to add additional clients in the future, it should submit an additional EDEX client list and a signed copy of "[EDEX Client Acknowledgement of Legal Constraints](#)" for each additional non-party/non-lien claimant client.

EDEX client acknowledgement of legal constraints

An "[EDEX Client Acknowledgement](#)," form must be signed by each person or entity who will be provided information about a WCAB case that will be obtained by the subscriber. This applies to an EDEX inquiry, where the person or entity is other than a party or lien claimant in the particular WCAB case subject to the inquiry. A client signing the EDEX client acknowledgement agrees that it will not seek or use information in violation of state or federal law.

EDEX representative list (if applicable)

Each person or firm wishing to appear in the WCAB record as a representative of a lien claimant must have a unique representative identification number assigned by DWC. The representative ID number allows the representative to be added to the WCAB official address record when a notice of lien or a notice of amended lien is filed. If a representative has multiple locations, it will need a unique representative ID number for each address. It should be noted that a client ID

number is required for every electronic transaction; the representative ID number does not itself allow utilization of EDEX services.

DWC authorized application software

EDEX subscribers must utilize DWC authorized application software to access the EDEX system. EDEX application software provides both a database application and the necessary communication software for accessing the IBM Global Network. An EDEX subscriber has the choice to either purchase EDEX software from one of the DWC approved software vendors or information brokers or to develop their own custom software in accordance with specification set forth by DWC.

EDEX software vendor & information brokers list

DWC's EDEX system allows approved subscribers and their clients to request and receive, via electronic transmissions, summary data of WCAB cases. To receive DWC approval, a subscriber must obtain appropriate software as well as an electronic mailbox to send and receive EDEX files. Approved clients must be end users of the information sought. An intended client who is neither a lien claimant nor a party to the case must explain its purposes in seeking such information and sign an acknowledgment of legal constraints. DWC currently charges 20 cents per EDEX transmission.

The division does not provide direct access to EDEX or EDEX information via the Internet. The division only provides direct access to authorized EDEX subscribers using division approved software via the IBM value added network. Direct access to EDEX is the most secure and accurate method of accessing EDEX information.

In order to become an authorized EDEX subscriber you must have the following components:

- 1) Application software capable of sending and receiving EDEX record formats. The list below contains software vendors who have demonstrated the minimal functionality necessary to interact with the division's EDEX system.

You may either choose to develop your own customized EDEX software, or use the services of one the software vendors or information brokers from the list below. Should you wish to develop your own applications software for either personal use or for distribution, you may obtain EDEX specifications by writing the Division of Workers' Compensation, EDEX specifications, P.O. Box 420603, San Francisco CA 94142.

- 2) An electronic mailbox on the IBM value added network for sending and receiving transmissions.

3) An EDEX account number. This will be assigned once you have completed and the DWC has processed your EDEX contract package.

While various information brokers offer information obtained from EDEX, they do not offer direct access to EDEX and the division cannot and does not warrant the accuracy of any information obtained from an information broker. Information brokers obtain data from EDEX and store it in their own systems for distribution to their clients. The division has no control over, or liability for, the accuracy or timeliness of any data provided by an information broker, or the security of communication between an information broker and its clients.

The division cannot and does not guarantee the security of any EDEX data maintained outside its control. Each individual or entity that obtains EDEX data, including EDEX subscribers, clients and end users, has responsibilities imposed by law to maintain the security of the data and prevent its disclosure to unauthorized third parties.

The DWC does not have regulatory jurisdiction over the information security practices of any EDEX software vendor or information broker.

If you have questions concerning the security of personal information transmitted through EDEX data, please contact your EDEX software vendor or information broker.

Civil Code section 1798.81.5 (b) provides that "A business that owns or licenses personal information about a California resident shall implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure." A violation of Civil Code section 1798.81.5 (b) may lead to civil liability for damages and/or imposition of a civil penalty. These provisions apply to any business that maintains, transfers or stores personal information subject to section 1798.81/5 (b).

In addition, Labor Code section 138.7(d) provides that: "It shall be unlawful for any person who has received individually identifiable information from the division pursuant to this section to provide that information to any person who is not entitled to it under this section."

The division does not endorse or guarantee the product(s) developed by the software vendors listed below. Each vendor's software has been tested only for minimum functionality and compatibility with EDEX. Each software product is different and we recommend that you contact each vendor and select a product that best suits your individual needs.

The division does not endorse or guarantee the accuracy of any data obtained from the information brokers listed below. Each information broker is solely responsible for the accuracy of the data it provides and any representations it makes about its services.

Company	Address	Phone #	Fax #	Website Address
DWC software vendors:				
CompData	P.O. Box 729 Seal Beach CA 90740	(562) 493-6652	(562) 493-1550	http://www.compdataedex.com
Paracle Systems Inc.	101 First St Ste 273 Los Altos CA 94022	(650) 685-8257	(650) 401-6051	http://www.paracle.com
Rosen Systems Inc.	9852 W. Katella Ave #313 Anaheim CA 92804	(714) 534-4837	(714) 534-4849	http://www.rsiedex.com
SpeedComp	P.O. Box 6886 Malibu CA 90264-6886	(310) 457-3300	(310) 457-0500	http://www.wcabonline.com
Information brokers:				
Avert	301 Remington St Fort Collins CO 80524	(970) 484-7722	(800) 237-4011	http://www.avert.com
ChoicePoint, Inc.	4530 Conference Way South Boca Raton FL 33431	(714) 708-2000 ext 614	(714) 708-1021	http://www.choicepoint.com
CompData On-Line	P.O. Box 729 Seal Beach CA 90740	(562) 493-6652	(562) 493-1550	http://www.compdataedex.com
EDEX Information Systems	1500 S. Hwy 49 Ste 101 Jackson CA 95642	Toll-free (866) 438-3339	(209) 231-6700	http://www.edex.ca http://edexpress.com
Premier Employment Screening Services	113 South College Ave Fort Collins, CO 80524	(970) 491-9655 ext.240	(970) 491-9619	http://www.premierias.com
Workcompcentral.com	1320 Flynn Rd Ste 403 Camarillo CA 93012	Toll-free (866) 975-2667	(805) 484-9322	http://www.workcompcentral.com

EDEX SUBSCRIBER APPLICATION

SUBSCRIBER ACCOUNT No. _____[DWC USE ONLY]

A. INFORMATION

Labor Code Section 138.7 limits access to “individually identifiable information” in the Division’s records that would otherwise be a matter of public record. Labor Code section 138.7(b)(5) provides as follows:

This section shall not operate to exempt from disclosure any information that is considered to be a public record pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) contained in an individual's file once an application for adjudication has been filed pursuant to Section 5501.5.

However, individually identifiable information shall not be provided to any person or public or private entity who is not a party to the claim unless that person identifies himself or herself or that public or private entity identifies itself and states the reason for making the request. The administrative director may require the person or public or private entity making the request to produce information to verify that the name and address of the requester is valid and correct. If the purpose of the request is related to pre-employment screening, the administrative director shall notify the person about whom the information is requested that the information was provided and shall include the following in 12-point type:

IT MAY BE A VIOLATION OF FEDERAL AND STATE LAW TO DISCRIMINATE AGAINST A JOB APPLICANT BECAUSE THE APPLICANT HAS FILED A CLAIM FOR WORKERS' COMPENSATION BENEFITS.

Any residence address is confidential and shall not be disclosed to any person or public or private entity except to a party to the claim, a law enforcement agency, an office of a district attorney, any person for a journalistic purpose, or other governmental agency. Nothing in this paragraph shall be construed to prohibit the use of individually identifiable information for purposes of identifying bona fide lien claimants.

In compliance with Labor Code section 138.7, the will redact residence addresses from any WCAB case information provided to individuals or entities that are not:

- a party to the case concerning which information is requested;
- a bona fide lien claimant or potential lien claimant;
- a law enforcement agency;
- a district attorneys office;
- any person with a journalistic purpose;
- a government agency.

EDEX will automatically identify transactions where redaction of residence address information is required. Additionally, any transaction that appears to involve pre-employment screening will be flagged so that the Division can generate the required notice to the injured worker. EDEX Release II will be configured to automatically produce a data-mailer containing the required notice. Cases in which the notice is required will be identified based on the Inquiry Reason Code provided as part of the EDEX transaction.

The Subscriber and the Subscriber's clients should be aware that the fact that a Subscriber has submitted an EDEX inquiry and/or received EDEX information is, in itself, a matter of public record. The Division reserves to itself the right to notify any individual about whom an EDEX inquiry is made of the nature and source of that inquiry, including the identity of the Subscriber's client, and to provide the individual with a copy of the request and any information provided in response thereto.

The Division reserves the right to verify information contained on this application and/or the Subscriber's client list. False or misleading statements on either the application or client list shall be cause for denial of the application or termination of EDEX access privileges. The Division also reserves the right to audit the use made of any EDEX information obtained by or for the Subscriber and/or its clients.

B. INSTRUCTIONS FOR EDEX SUBSCRIBERS

Information for Persons Requesting EDEX Access:

This application to become an EDEX subscriber is a request pursuant to the California Public Records Act (Government Code section 6250 et seq.) for access to public records of the WCAB. The Public Records Act encourages public access to information in the possession of public agencies. However, Government Code section 6255 authorizes denial of access to public records if the public agency determines by the facts of a particular case that the ultimate use of the information does not serve a legitimate purpose. Therefore, in making application for access to the public records available through EDEX, the subscriber shall certify by signing this application that it will not seek or use information contrary to state or federal law. In addition, prior to making an EDEX inquiry on behalf of a client who is neither a party nor a lien claimant in the case subject to the inquiry, subscriber shall submit to DWC an "EDEX Client Acknowledgment of Legal Constraints on Access to Information and Use of Information" signed by the client.

Instructions:

A person wishing to establish an electronic mailbox in order to file notices of lien electronically or gain electronic access to public records of the WCAB shall complete this form as Subscriber. In order to process your request, we need to know the names and addresses of each of your clients (those filing liens or inquiries via this EDEX account) as well as the name(s) and address(es) of those who may represent the client. A unique identification number will be assigned to each client and to each representative for use in the EDEX process. Complete and attach the following documents as part of this Application:

EDEX Client List.

If Subscriber will be filing liens and/or making inquiries on behalf of clients, attach to this Application a completed EDEX Client List which lists all clients. If Subscriber does not have clients, but will be making inquiries and filing liens only on its own behalf, it must so indicate on the EDEX Client List, and DWC will assign the Subscriber its own client identification number. After this initial application, Subscriber must submit additional EDEX Client Lists if Subscriber wishes to perform EDEX transactions on behalf of clients not previously listed on the EDEX Client List.

DWC will assign a unique client identification number to each client; the number **must** be used in all transmissions on behalf of that client.

EDEX Client Acknowledgment of Legal Constraints on Access to Information and Use of Information.

If subscriber intends to provide information to persons or entities who are not a party or a lien claimant in the case that is the subject of the inquiry or inquiries, each person or entity who is not a party or lien claimant must complete and sign an EDEX Client Acknowledgment form. Subscriber shall submit the Client Acknowledgment form to DWC prior to any electronic transaction for the benefit of such client.

Subscriber shall forward an additional EDEX Client Acknowledgment form to DWC, together with an additional EDEX Client List, and obtain a client identification number, prior to seeking or disclosing EDEX information to a person or entity who is not a party or lien claimant and who has not previously signed an acknowledgment form.

EDEX Representative List.

If Subscriber wishes a person or entity to be added to the Official Address Record as a representative of a lien claimant, the person or entity must be listed on the EDEX Representative List.

DWC will assign a unique Representative Identification Number to each representative; the number must be used in each lien filing transmission if a representative will represent the lien claimant. The EDEX Representative List should be attached to this application.

C. IDENTIFYING INFORMATION

Subscriber requests the establishment of an EDEX account and provides the following information to identify itself:

1. MAILBOX INFO: SYSID: ACCOUNT #

If subscriber is using the services of a software vendor, subscriber must obtain this information from the vendor. **USERID:** _____

2. SUBSCRIBER NAME: _____

3. PHYSICAL ADDRESS: _____

4. MAILING/BILLING ADDRESS: _____

5. NOTICE/CORRESPONDENCE ADDRESS: _____

6. PRIMARY CONTACT: _____
Name Title/Position

Phone Number: () _____ **FAX:** () _____

7. BACKUP CONTACT: _____
Name Title/Position

Phone Number: () _____ **FAX:** () _____

8. OWNER(s), PARTNER(s), CORPORATE OFFICERS/TITLE:

9. If Subscriber is licensed by the State of California, or if subscriber holds a license issued under the Business and Professions Code (such as a license issued by the Medical Board, or the State Board of Chiropractic Examiners), or the State Bar of California, provide the name of the agency issuing the license, type of license, license number and date license expires.

10. Provide the following regarding the Subscriber:

a. Federal Identification Number: _____

b. If subscriber does not have such number, explain why: _____

c. Corporation Number and the State which issued the number: _____

11. What type of business is subscriber engaged in? _____

D. CONDITIONS OF ELECTRONIC ACCESS TO RECORDS AND RESTRICTION ON DISSEMINATION OF INFORMATION

In order to ensure that the disclosure of the electronic data is not contrary to the public interest, the DWC places the following conditions on EDEX access. Subscriber acknowledges these conditions by its signature below.

1. False or misleading representations are cause for denial of an application, termination of electronic access and revocation of the EDEX account. Any person or entity holding a subscriber account number and/or client identification number who directly or indirectly obtains information from DWC using false representations, or who distributes restricted or confidential information to any person, or who uses the information for an unlawful purpose, shall have its electronic access account privileges suspended or revoked. Misrepresentation of client identification number will be considered by DWC as misuse, and may result in both revocation of the account and refusal of subsequent applications.
2. Subscriber shall disclose in the EDEX Client list any individuals to whom Subscriber intends to provide information obtained from the EDEX system, hereafter referred to as "clients" of Subscriber. Subscriber shall not furnish information to any client until Subscriber notifies DWC in writing of the identity of such client and DWC issues a client identification number and, for a non-party or non-lien claimant, Subscribers submits to DWC an EDEX Client Acknowledgment form signed by the client. Any client of Subscriber shall not provide the information it receives through EDEX to others.
3. All electronic transmissions must identify the "client" on whose behalf the transmission is performed. Subscriber must use the proper identification number in all transmissions. Subscriber may disseminate information obtained by an electronic transmission only to the person or entity whose client identification number was listed in that transmission. The client whose identification number is listed in the transmission must be the end user of the information obtained.
4. Information obtained through EDEX shall be used for lawful purposes only, and shall not be sold or otherwise made available to anyone other than the client whose client identification number was used in the transmission soliciting the information.
5. Before making inquiries on behalf of a non-party or non-lien claimant, the subscriber must submit to DWC an "EDEX Client Acknowledgment of Legal Constraints On Access to Information and Use of Information" form signed by the Client.
6. Information shall not be requested or used in violation of any provisions of the federal Americans With Disabilities Act, the Equal Employment Opportunity Act, the federal Fair Credit Reporting Act, the California Fair Employment and Housing Act, or any privacy or confidentiality laws, now in existence or hereafter adopted.

7. In regard to information sought for employment screening purposes:
 - a. Information will not be sought through EDEX unless and until there has been a conditional offer of employment to the subject of the information;
 - b. The information obtained through EDEX will only be used in a manner consistent with the Americans with Disabilities Act, for example to: determine the truthfulness of information on the related job application, determine whether the prospective employee is capable of performing the essential functions of the job with or without reasonable accommodations, and/or, determine if the prospective employee would create a significant risk of substantial harm to the health or safety of himself or others in the workplace setting, which risk could not be reduced or eliminated with reasonable accommodation;
 - c. If the information obtained through EDEX results in a rescission of the conditional offer of employment, the subject of the information shall be notified of such and given free access (such as a toll free number to call) to request and obtain a free copy of the information.
 8. Subscriber shall maintain, for two (2) years from the date of each electronic inquiry, records of the inquiries, which records must include Subscriber's account number, the client's identification number, representative's identification number (if applicable), date of inquiry, type of information requested, and the business reason for the inquiry.
 9. Subscriber shall accommodate electronic or manual audits of Subscriber at the discretion of DWC and on one (1) business day's notice. Subscriber agrees to allow on-site audits by DWC during regular business hours. Subscriber's information request records shall be subject to inspection, copying and audit by DWC for a period of two (2) years.
 10. Subscriber shall maintain the security and integrity of the information which it receives. Violation of any of the Conditions of Electronic Access to Records, whether by omission or commission, shall be grounds for action by DWC and may result in termination of service to Subscriber. DWC may pursue any appropriate legal remedy.
- Civil Code section 1798.81.5 (b) provides that "A business that owns or licenses personal information about a California resident shall implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure." A violation of Civil Code section 1798.81.5 (b) may lead to civil liability for damages and/or imposition of a civil penalty. These provisions apply to any business that maintains, transfers or stores personal information subject to section 1798.81.5 (b).
- In addition, Labor Code section 138.7(d) provides that: "It shall be unlawful for any person who has received individually identifiable information from the division pursuant to this section to provide that information to any person who is not entitled to it under this section."
11. Subscriber shall comply with any copyright notices that may be included in any record description format and all other materials provided by DWC through the EDEX system.

E. FEES AND BILLING

1. Subscriber shall pay the appropriate fees pursuant to section 9990 of Title 8, California Code of Regulations. If the fees provided under Title 8, CCR section 9990 are changed by amendment, subscriber understands that the fees billed shall be governed by the regulation in effect at the time of the electronic transmission.

2. Subscriber shall be billed quarterly. The bill shall be payable, in full, upon receipt. If any amount remains unpaid thirty (30) days after the invoice date, the Subscriber's account, client identification numbers, and representative numbers may be suspended or revoked at the discretion of DWC. If Subscriber disputes the amount of the bill in writing within thirty (30) days of the invoice date, the account and related identification numbers shall not be revoked, until thirty (30) days after DWC confirms the amount of the disputed bill and rebills Subscriber.

F. DISCLAIMER OF WARRANTY:

Subscriber hereby acknowledges that the use of the EDEX system and the information contained therein is at the Subscriber's sole risk. The information provided from the EDEX system is provided "as is" and without warranty of any kind. The Division believes that the information contained in the EDEX system is accurate, and will use its best efforts to correct any errors in this information that are brought to its attention.

The Division does not warrant that the functioning of the EDEX system will meet your data requirements or that the operation of the system will be uninterrupted or error free.

The Division expressly disclaims any and all warranties, express or implied, including, but not limited to, the implied warranties of merchantability or fitness for a particular purpose.

SUBSCRIBER ACKNOWLEDGMENT AND ACCEPTANCE OF TERMS:

I, the undersigned, declare under penalty of perjury under the laws of the State of California, that:

- A) I will abide by the Conditions of Electronic Access set forth above.
- B) I will not seek, use, or disseminate information received for illegal or unlawful purposes. In compliance with Civil Code section 1798.81.5 (b), I will implement and maintain reasonable security procedures and practices to protect the personal information obtained from the Division from unauthorized access, use, modification, or disclosure. In compliance with Labor Code section 138.7(d) I will not disclose any individually identifiable information obtained from the division to any person who is not lawfully entitled to receive it.
- C) The representations made in this application are true and correct.

Executed under penalty of perjury at:

County of _____, City of _____,

State of _____, on _____, 20__.

SUBSCRIBER

Authorized signature

Title

Subscriber hereby authorizes the Division to return this application to the address below after assignment of a Subscriber number:

**California Department of Industrial Relations
Division of Workers' Compensation**

**EDEX CLIENT ACKNOWLEDGMENT OF LEGAL CONSTRAINTS ON
ACCESS TO INFORMATION AND USE OF INFORMATION**

A. Information for EDEX Clients.

The DWC Electronic Data Exchange (EDEX) allows access to certain WCAB records via electronic transmissions performed by a Subscriber. The Subscriber's transmissions requesting electronic data from the WCAB are considered requests pursuant to the California Public Records Act (Government Code §6250 et seq.) for access to public records of the WCAB. The Public Records Act encourages public access to information in the possession of public agencies. However, Government Code Section 6255 authorizes denial of access to public records if the public agency determines by the facts of a particular case that the ultimate use of the information does not serve a legitimate purpose.

Since Subscriber will be seeking electronic access to public records available through EDEX on your behalf, you must certify by signing this Acknowledgment that you will not seek or use EDEX information contrary to state or federal law, and that you will abide by the conditions of access to information set forth in this agreement.

The Client should be aware that the fact that a Client has submitted an EDEX inquiry and/or received EDEX information is, in itself, a matter of public record. The Division reserves to itself the right to notify any individual about whom an EDEX inquiry is made of the nature and source of that inquiry, including the identity of the Client that submitted the inquiry, and to provide the individual with a copy of the request and any information provided in response thereto.

B. Identifying Information.

Subscriber Name: _____ **Subscriber Account #:** _____

Client Identification Number: _____ [DWC Use Only]

Client Name: _____

Client Address: _____

Contact Person: _____

Phone Number: _____

Owner(s), Partners(s), Corporate Officers/Title(s): _____

Licenses: If Client is licensed by the State of California, or if Client holds a license issued under the Business and Professions Code (such as a license issued by the Medical Board, or the State Board of Chiropractic Examiners), or the State Bar of California, provide the name of the agency issuing the license, type of license, license number and date license expires.

What type of business is client engaged in?

Client represents that it will be seeking information through EDEX for the following purposes:

C. Disclaimer Of Warranty.

Client hereby acknowledges that the use of the EDEX system and the information contained therein is at the Client's sole risk. The information provided from the EDEX system is provided "as is" and without warranty of any kind. The Division believes that the information contained in the EDEX system is accurate, and will use its best efforts to correct any errors in this information that are brought to its attention.

The Division does not warrant that the function of the EDEX system will meet your data requirements or that the operation of the system will be uninterrupted or error free. The Division expressly disclaims any and all warranties, express or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose.

D. Conditions Of Client Access To Records Obtained By Subscriber Through EDEX.

Civil Code section 1798.81.5 (b) provides that "A business that owns or licenses personal information about a California resident shall implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure." A violation of Civil Code section 1798.81.5 (b) may lead to civil liability for damages and/or imposition of a civil penalty. These provisions apply to any business that maintains, transfers or stores personal information subject to section 1798.81.5 (b).

In addition, Labor Code section 138.7(d) provides that: "It shall be unlawful for any person who has received individually identifiable information from the division pursuant to this section to provide that information to any person who is not entitled to it under this section."

Client agrees to seek and use information obtained through EDEX for lawful purposes only, and

agrees not to sell or otherwise make the information available to anyone other than the client whose client identification number was used in the transmission soliciting the information. With respect to use of the information, Client agrees that it shall not violate any provisions of the federal Americans With Disabilities Act, the federal Equal Employment Opportunity Act, the Federal Fair Credit Reporting Act, the California Fair Employment and Housing Act, or any privacy or confidentiality laws, now in existence or hereafter adopted.

Client agrees that, if Client receives information for employment screening purposes, Client shall use the information for lawful purposes only, specifically complying with the federal Americans with Disabilities Act, the federal Equal Employment Opportunity Act, the federal Fair Credit Reporting Act, the California Fair Employment and Housing Act, or any privacy or confidentiality laws, now in effect or hereafter adopted. Client, by signature below, promises under penalty of perjury, that:

- a. Client will not seek or obtain information through EDEX unless and until it has made a conditional offer of employment to the subject of the information;
- b. The information obtained through EDEX will only be used in a manner consistent with the Americans with Disabilities Act, for example to: determine the truthfulness of information on the related job application, determine whether the prospective employee is capable of performing the essential functions of the job with or without reasonable accommodations, and/or, determine if the prospective employee would create a significant risk of substantial harm to the health or safety of himself or others in the workplace setting, which risk could not be reduced or eliminated with reasonable accommodation;
- c. If the information obtained through EDEX results in a rescission of the conditional offer of employment, the subject of the information shall be notified of such and given free access (such as a toll free number to call) to request and obtain a free copy of the information.

Any misuse of DWC records by Client or its officers, agents, employees, and/or representatives may result in immediate revocation of the Client's identification number and denial of access to electronic records.

Client shall not sell or provide to others the information it receives from subscriber through EDEX. Client is the end user of the information obtained through EDEX.

In the event that there is a change of EDEX Subscriber, Client shall immediately provide written notification to the EDEX Administrator of this change. Address: EDEX Administrator, P.O. Box 420603, San Francisco, CA 94142.

Client shall maintain, for two (2) years from the date of each request for EDEX information, records of the requests, which records must include Client's identification number, dates of request, type of information requested, and the business reasons for the information requests. Client's information request records shall be subject to inspection, copying and audit by DWC for a period of two (2) years.

Client shall accommodate electronic or manual audits of Client at the discretion of DWC and on one (1) business day's notice. Client agrees to allow on-site audits by DWC during regular business hours. Client shall maintain the security and integrity of the information which it receives. Violation of any of the Conditions of Access, whether by omission or commission, may result in revocation of the Client Identification Number. DWC may pursue any appropriate legal remedy.

Client agrees to comply with any copyright notices that may be included in any record description format and all other materials provided by DWC through EDEX.

I, the undersigned, declare under penalty of perjury under the laws of the State of California, that:

- 1) I will abide by the Conditions of Client Access to Records set forth above.
- 2) I will not seek, use, or disseminate information received for illegal or unlawful purposes. In compliance with Civil Code section 1798.81.5 (b), I will implement and maintain reasonable security procedures and practices to protect the personal information obtained from the Division from unauthorized access, use, modification, or disclosure. In compliance with Labor Code section 138.7(d) I will not disclose any individually identifiable information obtained from the division to any person who is not lawfully entitled to receive it.
- 3) The representations made in this Application are true and correct.

Executed under penalty of perjury at County of: _____,

City of _____, State of _____,

on _____, 20____.

Client Signature

Title

EDEX CLIENT LIST

Subscriber must provide the name and address of each of its clients (those filing notices of liens OR inquiries via EDEX). An identification number will be assigned to each client for use in the EDEX process; each transmission must include the proper client identification number. Certain clients must also sign an EDEX Client Acknowledgment of Legal Constraints on Access to Information and Use of Information. A client must execute an EDEX Client Acknowledgment if the Subscriber will be making any inquiry on behalf of the client regarding a case in which the client is neither a lien claimant nor a party.

Subscriber, check box if applicable:

☐ Subscriber does not have "clients" but will be making inquiries and/or filing notices of liens on its own behalf and requests that it be assigned its own client identification number. (List Subscriber as "Client" below.)

SUBSCRIBER NAME: _____

ACCOUNT NUMBER (If known) _____

CLIENT ID # _____ [DWC USE ONLY]

☐ Lien Claimant

☐ Case Party

☐ Other*

CLIENT NAME: _____

CLIENT ADDRESS: _____

PHONE # (____) _____ FAX: (____) _____

CLIENT ID # _____ [DWC USE ONLY]

☐ Lien Claimant

☐ Case Party

☐ Other*

CLIENT NAME: _____

CLIENT ADDRESS: _____

PHONE # (____) _____ FAX: (____) _____

CLIENT ID # _____ [DWC USE ONLY]

☐ Lien Claimant

☐ Case Party

☐ Other*

CLIENT NAME: _____

CLIENT ADDRESS: _____

PHONE # (____) _____ FAX: (____) _____

* A signed EDEX Client Acknowledgment must be attached for each client designated as "other".

ATTACH ADDITIONAL SHEETS AS NECESSARY

Subscriber Signature / Title

Date